

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/13/2023

PRCM ADVISERS LLC, PINE RIVER
CAPITAL MANAGEMENT L.P., and PINE
RIVER DOMESTIC MANAGEMENT L.P.,

Plaintiffs,

v.

TWO HARBORS INVESTMENT CORP.,

Defendant.

Case No. 1:20-cv-05649-LAK-BCM

**~~STIPULATION AND [PROPOSED]~~ ORDER EXTENDING SCHEDULE
FOR LETTERS FROM THE NON-FILING PARTY EXPLAINING THE NEED TO
SEAL OR REDACT MATERIALS**

WHEREAS, on February 23, 2022, this Court entered a Civil Case Management Plan and Scheduling Order, ECF No. 110 (the “Scheduling Order”), on consent of Plaintiffs (together, “Pine River”) and Defendant Two Harbors Investment Corp. (“Two Harbors”) (collectively, the “Parties”);

WHEREAS, on September 19, 2022, the Court extended all remaining deadlines by 30 days (excluding weekends and holidays), ECF No. 180, on consent of the Parties, based on the resolution of a number of discovery disputes before the Court;

WHEREAS, on December 20, 2022, the Court further extended all deadlines remaining by 45 days, ECF No. 246, on consent of the Parties, pending the resolution of a number of discovery disputes before the Court;

WHEREAS, on January 27, 2023, the Court further extended all deadlines remaining by 90 days, ECF No. 270, on consent of the Parties;

WHEREAS, on April 20, 2023, the Court ordered that (1) Two Harbors may reopen the deposition of Phil Prince for no more than three additional hours of questioning limited to no more than 12 Post-Termination Documents and/or issues as to which those documents shed additional light and (2) no later than April 27, 2023, the parties shall submit a proposed order resetting certain deadlines, ECF No. 292;

WHEREAS, on April 28, 2023, the Court further extended all deadlines remaining by 17 days, ECF No. 298, on consent of the Parties.

WHEREAS, on June 15, 2023, the Court further extended all deadlines remaining by approximately 57 days, ECF No. 325 (the “Amended Scheduling Order”);

WHEREAS, on September 19, 2023, the Court further extended the deadline for the completion of expert discovery to October 3, 2023, ECF No. 331;

WHEREAS, on October 20, 2023, the Court further extended the deadline and enlarged the page limits for the submission of motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike, ECF No. 337;

WHEREAS, pursuant to the current scheduling order, the parties will file oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike on December 20, 2023;

WHEREAS, in connection with the forthcoming oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike, the Parties expect that they will file motions to redact or seal certain materials, and that some of those materials will be filed under seal or in redacted form at the request of the non-filing party;

WHEREAS, pursuant to Your Honor’s Individual Rules § 3(f), letters from the non-filing party explaining the need to seal or redact materials filed with oppositions to motions pursuant to

Fed. R. Civ. P. 56, Daubert motions, and motions to strike are currently due on December 26, 2023;

WHEREAS, the Parties have met and conferred via email in good faith concerning a brief extension of the deadlines for letters from the non-filing party explaining the need to seal or redact materials filed with oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike;

WHEREAS, the Parties agree that, in light of the intervening holidays, a brief extension of the deadline for letters from the non-filing party explaining the need to seal or redact materials filed with oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike is warranted; and

WHEREAS, the Parties agree that no deadline will be modified other than the deadline for letters from the non-filing party explaining the need to seal or redact materials filed with oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Parties to this action, subject to the approval of the Court, as follows:

1. Upon this Court's approval of this Stipulation, the only new deadline shall be as follows:

a. Letters from the non-filing party explaining the need to seal or redact materials filed with oppositions to motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike shall be filed no later than January 9, 2024.

2. The deadline set forth in Paragraph 1(a) will not affect any other deadline set forth in the Amended Scheduling Order.

3. The deadline set forth in this Stipulation may not be modified or the date herein extended except by further Order of this Court for good cause shown. Any application to modify or extend the date herein shall be made in a written application in accordance with this Court's Individual Rules of Practice.

4. Nothing in this Stipulation shall be (1) construed as a waiver of any defenses or rights available to the Parties, (2) used as evidence regarding the strength or validity of any claim or defense, or (3) used as evidence that any Party lacks urgent interest in protecting its trade secrets.

Dated: New York, New York
December 12, 2023

Pursuant to section 8.5(b) of the Electronic Case Filing Rules & Instructions for the United States District Court for the Southern District of New York, the use of conformed electronic signatures is with the consent of all signatories to this filing.

CIRESI CONLIN LLP

/s/ Jacob F. Siegel

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SO ORDERED.



Hon. Barbara Moses
United States Magistrate Judge
December 13, 2023